

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL KLEEBERG, LISA STEIN, and
AUDREY HAYS,

Plaintiffs,

v.

WENDY EBER, in her individual capacity and as Executrix u/w/o LESTER EBER; ALEXBAY, LLC f/k/a LESTER EBER, LLC; LUCIA GORDON GUMAER and PATRICK D. MARTIN solely in their capacities as Executors under the will of ELLIOTT W. GUMAER, JR.; and,

Defendants,

and

EBER BROS. & CO., INC.; EBER BROS. WINE AND LIQUOR CORP.; EBER BROS. WINE & LIQUOR METRO, INC.; EBER-CONNECTICUT, LLC; EBER-RHODE ISLAND, LLC; EBER BROS. ACQUISITION CORP.; EBER-METRO, LLC; SLOCUM & SONS OF MAINE, INC.; and CANANDAIGUA NATIONAL BANK & TRUST COMPANY,

Nominal Defendants.

Civil Action No. 16-CV-9517
(LAK)(KAP)

**NOTICE OF MOTION TO CORRECT
THE JUDGMENT**

PLEASE TAKE NOTICE that Plaintiffs, Daniel Kleeberg, Lisa Stein, and Audrey Hays, by and through their undersigned counsel, on May 1, 2023, at 9:30 a.m., or as soon thereafter as they may be heard, will move the Honorable Court of the Southern District of New York, for an order pursuant to Federal Rule of Civil Procedure 60 correcting the judgment to include compensation and distributions that were ordered to be disgorged but which were not reflected in the judgment.

Dated: April 23, 2023

/s Brian C. Brook

Brian C. Brook (BB 1980)
BROOK & ASSOCIATES, PLLC
100 Church Street, Floor 8
Telephone: (212) 256-1957
Facsimile: (646) 257-2887
Brian@brook-law.com

*Attorneys for Plaintiffs Daniel Kleeberg, Lisa Stein,
and Audrey Hays*